

# EXHIBIT L

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

<b>Basin Electric Power</b>	)	<b>Docket No. ER20-2441-000</b>
<b>Cooperative, Inc.</b>	)	<b>Docket No. ER20-2442-000</b>

(not consolidated)

**MOTION TO INTERVENE AND PROTEST OF  
DAKOTA ENERGY COOPERATIVE, INC.**

Pursuant to Rules 211 and 214 of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure, and the Commission’s July 16, 2020 Combined Notice of Filings #1, Dakota Energy Cooperative, Inc., (“Dakota Energy”) files this Motion to Intervene and Protest in response to Basin Electric Power Cooperative, Inc.’s (“Basin Electric”) July 16, 2020 filings in: (1) Docket No. ER20-2441, wherein Basin Electric seeks approval of initial Rate Schedule A, which contains the standard rate for wholesale power service that Basin Electric provides to its Class A and Class D Members pursuant to wholesale power supply contracts (“Wholesale Power Contracts”); and (2) Docket No. ER20-2442, wherein Basin Electric seeks approval of initial Rate Schedules 1 through 19, which are the Wholesale Power Contracts between Basin Electric and its Class A and D Members. Dakota Energy adopts and incorporates herein the protest that McKenzie Electric Cooperative, Inc. (“McKenzie”) is filing today in these proceedings (“McKenzie Protest”). Dakota Energy respectfully asks the Commission to

fulfill its consumer-protection obligations by accepting Basin Electric's filings subject to the outcome of an investigation under Section 206 of the Federal Power Act and evidentiary hearing or settlement judge procedures. In support thereof, Dakota Energy states as follows:

**I. COMPLIANCE WITH RULE 203**

The exact name of the movant is Dakota Energy Cooperative, Inc. Dakota Energy's principal place of business is located at 40294 US Highway 14, PO Box 830, Huron, SD 57350. The persons to whom correspondence, pleadings, and other papers in relation to this proceeding should be addressed, and the persons whose names are to be placed on the Commission's official service list, as follows<sup>1</sup>:

Chad Felderman  
CEO/General Manager  
Dakota Energy Cooperative, Inc.  
40294 US Highway 14  
PO Box 830  
Huron, SD 57350  
(605) 352-8591  
[ceo@dakotaenergy.coop](mailto:ceo@dakotaenergy.coop)

Jason T. Gray  
Kathleen L. Mazure  
Duncan & Allen LLP  
1730 Rhode Island Avenue, NW, Suite 700  
Washington, DC 20036  
(202) 289-8400  
[jtg@duncanallen.com](mailto:jtg@duncanallen.com)  
[klm@duncanallen.com](mailto:klm@duncanallen.com)

**II. STATEMENT OF INTEREST AND MOTION TO INTERVENE**

Dakota Energy Cooperative, Inc. ("Dakota Energy") is a not-for-profit member-owned electric distribution cooperative headquartered in Huron, South Dakota. Dakota Energy's membership covers a range of residential, farm, business, commercial, and industrial consumers in Beadle, Hand and

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<sup>1</sup> Dakota Energy requests waiver of Rule 203(b)(3) to permit inclusion of three representatives on the official service list.

Hyde counties, as well as portions of other counties. Dakota Energy is not a “public utility” as that term is defined in Section 201(e) of the Federal Power Act, 16 U.S.C § 824(e).

Dakota Energy is a non-voting, Class C Member of Basin Electric. Dakota Energy is also a member and owner of East River Electric Power Cooperative, Inc. (“East River”), which is a Class A Member of Basin Electric. East River takes Commission-jurisdictional service from Basin Electric under the Wholesale Power Contract that is proposed initial Rate Schedule 5 in Docket No. ER20-2442. Proposed initial Rate Schedule A in Docket No. ER20-2441 contains the rates, terms, and conditions by which Basin Electric provides Commission-jurisdictional service to East River. Pursuant to a contract between Dakota Energy and East River, East River passes on to Dakota Energy a portion of the costs Basin Electric assesses to East River. Dakota Energy recovers those costs from its member-owners.

Based on the foregoing, Dakota Energy has a direct interest in the outcome of these proceedings based on its relationship with Basin Electric through East River. Dakota Energy’s interest cannot adequately be represented by any other party. Dakota Energy’s participation in these proceedings will advance the public interest. Therefore, Dakota Energy respectfully requests that the Commission permit Dakota Energy to intervene in these proceedings for all purposes.

### **III. PROTEST**

As explained in Section II, *supra*, Dakota Energy is a Class C Member of Basin Electric. It purchases power from East River, which is a party to the Wholesale Power Contract that is proposed initial Rate Schedule 5 in Docket No. ER20-2442. Proposed initial Rate Schedule A in Docket No. ER20-2441 contains the rates, terms, and conditions by which Basin Electric provides Commission-jurisdictional service to East River. Ultimately, a portion of the costs that East River pays to Basin Electric are recovered from Dakota Energy's member-owners.

McKenzie is a member-owned rural electric cooperative that serves approximately 4,400 residential, commercial, and industrial member-owners in North Dakota and Montana. Like Dakota Energy, McKenzie is a non-voting Class C Member of Basin Electric. In addition, McKenzie is a member-owner of Upper Missouri G. & T. Electric Cooperative, Inc. d/b/a Upper Missouri Power Cooperative ("Upper Missouri"), which is a Class A Member of Basin Electric. Upper Missouri takes Commission-jurisdictional service from Basin Electric under the Wholesale Power Contract that is proposed initial Rate Schedule 17 in Docket No. ER20-2442. Proposed initial Rate Schedule A contains the rates, terms, and conditions by which Basin Electric provides Commission-jurisdictional service to Upper Missouri. Under a power requirements contract between Upper Missouri and McKenzie, Upper Missouri passes on to McKenzie a portion of the costs that Basin Electric

assesses to Upper Missouri. McKenzie recovers those costs its member-owners.

Dakota Energy has reviewed the McKenzie Protest, which is being filed today in the above-captioned proceedings. Though the McKenzie Protest is based on McKenzie's relationship with Basin Electric through Upper Missouri, the issues and concerns that McKenzie identifies apply equally to Dakota Energy's relationship with Basin Electric through East River. Rather than burden the Commission by repeating McKenzie's arguments, factual support, and requests for relief, Dakota Energy adopts the McKenzie Protest and asks the Commission to fulfill its obligation to protect consumers by accepting Basin Electric's filings subject to the outcome of an investigation under Section 206 of the Federal Power Act and evidentiary hearing or settlement judge procedures.

#### **IV. RESERVATION OF RIGHTS**

Dakota Energy reserves its right to posit and address any additional issues that may be identified or developed during the course these proceedings.

#### **V. CONCLUSION**

**WHEREFORE**, Dakota Energy Cooperative, Inc. respectfully asks the Federal Energy Regulatory Commission to:

- (1) Grant this Motion to Intervene and make Dakota Energy Cooperative, Inc. a participant in these proceedings for all purposes;
- (2) Accept Basin Electric Cooperative, Inc.'s filings subject to the outcome of an investigation under Section 206 of the Federal Power Act and evidentiary hearing or settlement judge procedures, as set forth in the

protest filed today in the above-captioned proceedings by McKenzie Electric Cooperative, Inc.; and

- (3) Grant such other relief as the Federal Energy Regulatory Commission may deem necessary and appropriate.

Respectfully submitted,

/s/ Jason T. Gray

Jason T. Gray  
Kathleen L. Mazure  
Duncan & Allen LLP  
1730 Rhode Island Avenue, NW, Suite 700  
Washington, DC 20036  
(202) 289-8400 (telephone)  
(202) 289-8450 (facsimile)  
[jtg@duncanallen.com](mailto:jtg@duncanallen.com)  
[klm@duncanallen.com](mailto:klm@duncanallen.com)

Counsel for Dakota Energy Cooperative, Inc.

Dated: August 6, 2020

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that one copy of the foregoing pleading has this day been served by a means permitted by Rule 2010(f) of the Federal Energy Regulatory Commission's Rules of Practice and Procedure on each person whose name appears on the Official Service Lists compiled by the Secretary in these proceedings.

/s/ Jason T. Gray

Jason T. Gray  
Duncan & Allen LLP  
1730 Rhode Island Avenue, NW, Suite 700  
Washington, DC 20036  
(202) 289-8400  
[jtg@duncanallen.com](mailto:jtg@duncanallen.com)

Dated at Washington, DC  
This 6th day of August, 2020

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